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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,620	10/03/2000	Katsumi Tahara	450108-02465	2391

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FROMMER LAWRENCE & HAUG
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NEW YORK, NY 10151

EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,620

Applicant(s)

TAHARA ET AL.

Examiner

Dave Czekaj

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 31-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu et al. (5461420), (hereinafter referred to as "Yonemitsu") in view of Hoogenboom (5517250).

As for claims 31 and 37, Yonemitsu discloses an apparatus that relates to coding and decoding a video signal from one frame rate to another frame rate (Yonemitsu: column 1, lines 6-9). This apparatus comprises "counting fields in the input video data

having a particular frame frequency" (Yonemitsu: column 5, lines 49-52, wherein the 2-3 pulldown circuit performs the counting, the particular frame frequency is the 60 Hz input signal), "converting the input video having the particular frame frequency into video data with a second frame frequency" (Yonemitsu: figure 3, column 5, lines 57-61, wherein the field order re-arrangement circuit performs the converting), and "encoding the video data to generate a stream" (Yonemitsu: figure 3, wherein the encoding is performed by the coder). However, Yonemitsu fails to disclose the picture order information as claimed. Hoogenboom teaches that there is a need in the prior art to provide a method for providing the DTS when needed without any need to reaccess the PES header (Hoogenboom: column 3, lines 35-38). To help alleviate this need, Hoogenboom discloses "generating picture order information based on the fields, the picture order information included a presentation time stamp and a decoding time stamp" (Hoogenboom: column 6, lines 30-34, column 7, lines 6-14) and "packetizing the elementary stream and generating time stamp information" (Hoogenboom: figures 2A-2C, column 9, lines 39-46. The examiner notes that time stamp information is necessary in order to properly transmit the packet over a network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Yonemitsu and add the picture information taught by Hoogenboom in order to obtain an apparatus that correctly transmits and displays video information at the right time.

As for claim 34, Hoogenboom teaches of said time stamp information contains

decoding time stamps and/or presentation time stamps (Hoogenboom: Column 7, Lines 5-14).

As for claim 35, Hoogenboom teaches of said generation means comprises means for adding said time stamp information to the header of said packetized elementary stream (Hoogenboom: Column 9, Lines 39-46).

As for claim 36, although not disclosed, it would have been obvious to convert a 30 Hz signal into a 24 Hz signal using a 3:2 pulldown process (Official Notice). Doing so would have been obvious in order to easily switch between the two different types of formats.

5. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemitsu et al. (5461420), (hereinafter referred to as "Yonemitsu") in view of Hoogenboom (5517250) in further view of Azadegan (US 5,612,900).

As for claim 32, most of the limitations of the claims have been discussed in the above rejection of claim 1. Hoogenboom does not explicitly teach of said encoding means describes said picture order information in the picture layer of said elementary stream, however, Azadegan does (Note: Azadegan Figures 9A-C show the picture layer log files that contain the information about the picture order (i.e. input_order of the pictures, what fields to repeat, the sequence header, the GOP number, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to place the picture order information in the picture layer because of the picture layers direct connection with what is displayed and its control over the encoded and decoded field coefficients.

As for claim 33, most of the limitations of the claims have been discussed in the above rejections. Hoogenboom also teaches said generation means extracts said picture order information from said elementary stream by parsing the syntax of said elementary stream (Hoogenboom: column 10, lines 6-16. Note: the parser parses the sequence header (which contains the order) for information that is needed).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2621

DJC

Mehrdad Dastouri
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SUPERVISORY PATENT EXAMINER
TC 2600